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| 10/719,408 | 11/21/2003 | Louis C. Cosentino | 12771.1USC1 | 3341 |
| 23552 | 7590 | 07/16/2007 | EXAMINER | |
| MERCHANT & GOULD PC | | | ASTORINO, MICHAEL C | |
| P.O. BOX 2903 | | | ART UNIT | PAPER NUMBER |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | |
|------------------------------|---------------------------------|------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 10/719,408 | COSENTINO ET AL. |
| | Examiner Michael C. Astorino | Art Unit 3736 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 29 April 2007.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 90-117 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 90-117 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO/SB/08)
 Paper No(s)/Mail Date 2/07 & 4/07.

4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.
 5) Notice of Informal Patent Application
 6) Other: _____.

DETAILED ACTION

Claim Objections

Claims 115-116 are objected to because of the following informalities: claim 115 should be amended to state “further includes an analyzing step that includes” instead of “wherein the analyzing step.” Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 90-98 and 100-117 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iliff US Patent Number 6,234,964 in view of Lloyd et al. US Patent Number 6,080,106.

Iliff discloses everything claimed except a monitoring apparatus (column 18, lines 16-43). But Iliff does disclose the use of taking health measurements (406).

However Lloyd et al. a reference in an analogous art discloses the use of a monitoring apparatus as claimed. See figure and abstract.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Iliff in view of Lloyd et al., since both inventions are directed at remotely monitoring patients, and Iliff requires a measurement be taken and Lloyd et al. teaches the manner in which to achieve the result.

Additionally Lloyd et al. discloses a modem (20), RF transmissions (column 6, lines 8-10), network communications with a nurse (80), and a visual display for an output (40).

Concerning claims 103-104, see Iliff (column 18, lines 16-43). Additionally, Lloyd et al. all inputs to questions with a value between 1 to 5 is a point, any point given is indicative of a nurse's follow-up to the patient. Stated otherwise the requirement is met when the user of the system picks a value and the value is transmitted. Also, Lloyd et al. all inputs to questions with a value between 1 to 5 is a point, any point given is indicative of a nurse's follow-up to the patient. Stated otherwise the requirement is met when the user of the system picks a value and the value is transmitted. Moreover, totaling requirement is satisfied when only *one question* is asked and a point value is inputted and transmitted.

In regards to claim 93-96, 98, 107-110, and 112, Lloyd et al. disclose numerous communication devices (column 6, lines 8-10) but does not disclose RS-232 device, the Internet, or satellite communication devices. Official Notice is taken, that it is well known to one of ordinary skill in the art at the time of the invention was made that a RS-232 device, IR, the Internet, or a satellite communication device is equivalent to the communication devices disclosed in Lloyd et al. and the selection of any one the non-disclosed devices would have been an obvious substitution. Furthermore, Applicant has not disclosed that having a RS-232 device, IR, the Internet, or satellite communication device solves any stated problem or is for any particular purpose, it appears that the communication devices of Lloyd et al. would perform equally well with a RS-232 device, the Internet, and a satellite communication device or the communication devices of Lloyd et al.

In regards to claim 94 and 108 Iliff discloses the use of the Internet 102.

Claims 102, 105-106, 111, and 113-117 are rejected on substantially the same basis as the above claims.

Claim 99 is rejected under 35 U.S.C. 103(a) as being unpatentable over Iliff US Patent Number 6,234,964 in view of Lloyd et al. US Patent Number 6,080,106 (cited by applicant) as applied to claims above, and further in view of Drinan et al 6,354,996 B1. (cited by applicant)

Iliff and Lloyd et al. do not disclose a second portion having a wall mount. However, Drinan et al. a reference in an analogous art discloses a second portion with a wall mount (figure 1B, 4A and 4B). It would have been obvious to one in the art at the time of the invention to combine the second portion with a wall mount of Drinan et al. with the remote monitoring system of Lloyd et al. as an equivalent means to comfortably view display information to a user at eye level.

Response to Arguments

Applicant's arguments with respect to the pending claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael C. Astorino whose telephone number is 571-272-4723. The examiner can normally be reached on Monday-Friday, 8:30AM to 3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Max Hindenburg can be reached on 571-272-4726. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MA
July 9, 2007

M. K. Hensley
MARGARET HENSLY
PATENT EXAMINER
MAILED 07/10/2007 3700